

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, October 8, 2002
Tuesday, 9:01 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Martz, Pisciotte, present. Council Member Lambke; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Ashok Aurora, Hindu, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of October 1, 2002, were approved 6 to 0. (Lambke absent)

AWARDS AND PRESENTATIONS

RECOGNITION Wichita's Promise Youth were recognized.

PROCLAMATIONS Proclamations previously approved were presented.

PUBLIC AGENDA

John Polson John Polson – Governmental Accountability.

John Polson spoke of the redistricting plan and his concerns about non-registered members of the Commission of Electors.

UNFINISHED BUSINESS

LINE RELOCATION **KELLOGG WATER AND SEWER LINE RELOCATION.**
(Continued from October 1, 2002)

Agenda Report No. 02-1879A

The City's Strategic Plan includes the expansion of East Kellogg. The City is now ready to initiate the portion of the expansion between Edgemoor and Woodlawn. The City's engineers recommend relocating the water and sewer lines under Kellogg as part of this project. Utilities are required to relocate their lines when they are in conflict with City construction.

The City Council approved the 2002-2011 Capital Improvement Program (CIP) on February 5, 2002. Concurrent with approval of the ten-year program, 2002 and 2003 were approved as capital budget years.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 377

The 2002 Water CIP includes funds for this project. The funds for upsizing the water line, \$360,000, are identified in project W-516, Kellogg, Edgemoor to Woodlawn. Funds to relocate the water line are in W-67, Water Distribution Mains Replacement, and should be transferred to W-516.

The approved 2003 Sewer CIP includes \$1.2 million for S-5, Mains for Future Development. The purpose of S-5 is to provide funding for sewer relocation costs due to construction conflicts or development, as well as the sewer utility share of sanitary sewer mains to serve future developments and annexed areas. The funds to relocate the sewer lines should be transferred to their own project, S-563, Kellogg Sewer Line Relocation. The construction will occur in 2003 and 2004, but the contract for construction must be signed in 2002 for the project to continue on schedule.

The current estimated cost is \$1 million to relocate the water lines and \$925,000 to relocate the sewer lines. The projects will be funded from future revenue bonds and/or Water Utility cash reserves, the same as other Water and Sewer capital projects. The Water and Sewer CIP will be reevaluated during development of the 2003-2012 CIP, to ensure that critical projects are funded and rate impacts do not exceed the estimated 3 percent increases projected in the 2003-2004 Adopted Budget.

Council Member Fearey Council Member Fearey said she was still uncomfortable that water and sewer lines for the project are funded from the Water and Sewer Capital Improvement Program. The City voted on a sales tax to fund highway projects.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that the S-5 project expenditures for 2003 and the amendments to the CIP be approved; -- carried and the Resolutions be adopted. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. 02-454

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$1 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-455

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$925,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-457

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$275,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 378

NEW BUSINESS

HOMESTEAD

HOMESTEAD HEALTH CENTER INC. REFUNDING REVENUE BONDS. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-1903

On July 12, 1994, the City Council approved issuance of Health Care Facility Revenue bonds in an amount not-to-exceed \$1,470,000, to American Baptist Estates and Homestead Health Center. The bonds were issued to refinance existing debt of the corporation that owns the facility located at 2133 S. Elizabeth in south Wichita. Homestead Health Center wishes to refinance its 1994 Bonds and is requesting City Council approval of a Letter of Intent to issue its Health Care Facility Refunding Revenue Bonds in an amount not-to-exceed \$780,000.

Homestead Health Center, Inc., was formed in 1976. The Health Care Corporation was formed by American Baptist Estates, Inc., to own and operate a nursing care facility adjacent to the 187-unit residential retirement center. The facilities provide a continuing care retirement community for older adults. The facility is presently licensed as an 80-bed nursing care facility.

Bond proceeds will be used to refund and redeem currently existing debt and pay costs of issuance. The refinancing of the IRB's will result in a significant reduction in annual debt service payments and will shorten their term of indebtedness by one year.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

Bond Reserve Account	\$145,000
2002 Bond Issue	780,000
Funds from Tenant	<u>20,525</u>
Total Sources	\$945,525

USE OF FUNDS

Retirement of Existing Bond Issue	\$909,525
Underwriter's Fee	15,500
Cost of Issuance	<u>20,500</u>
Total cost of Project	\$945,525

The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. Riedel First Securities has agreed to underwrite the bonds. Homestead Health Center agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Homestead Health Center agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Homestead Health Center does not request property tax abatement in conjunction with the IRBs.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Letter of Intent for Health Care Facility Refunding Revenue Bonds to Homestead Health Center, Inc. in an amount not-to-exceed \$780,000, subject to the Standard Letter of Intent Conditions, be approved. Motion carried 6 to 0. (Lambke absent)

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 379

CASE SWAYNE CO. EXTENSION OF IRB TAX EXEMPTION – CASE SWAYNE CO., INC. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-1904

On June 17, 1997, City Council approved issuance of Industrial Revenue Bonds in the amount of \$700,000 to Case Swayne Co., Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for an eight-year term on bond-financed property. Bond proceeds were used to finance the purchase of existing machinery and equipment from PFS, a division of PepsiCo, Inc., to be located at 5015 S. Water Circle in south Wichita.

On December 31, 2002, the initial five-year period for tax exemption will expire. Case Swayne Co., Inc. requests City Council extend the tax exemption to include the last three years on personal bond-financed property.

Case Swayne produces custom-developed specialty foods for the food service, retail, industrial and health and diet markets. Case Swayne is a major national spice blending firm, engaged in the manufacture of specialty pre-mixed dry and wet spices, as well as specialized packaging partnering with nationally branded retail and food service marketers to serve their needs throughout the United States.

As a condition of the bond issue and tax exemption, Case Swayne Co., Inc. committed to: purchase existing machinery and equipment worth \$700,000; and, create 100 new jobs within five years of the bond issue. A measure of Case Swayne's initial five-year project commitments and outcomes are as follows:

	<u>1998 Commitment</u>	<u>December 31, 2002 Status</u>
•	Purchase Manufacturing Equipment:	Purchased equipment worth over \$700,000
•	Create 100 new jobs in five years:	Created 107 new jobs

Staff conducted a site-monitoring visit on September 25, 2002. Case Swayne has exceeded its projection of 100 new permanent jobs by creating 107 new jobs. Case Swayne's additional goal relating to the bond-financed project was an overall increase in sales. Case Swayne increased sales by more than 17 % since 1997, and diversified its customer base.

Personal property taxes exempted in 2003 are estimated to be \$6,731. Case Swayne is current in payments of administrative service fees.

Section 6.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Gale moved that the tax exemption on Case Swayne's IRB-financed property for the last three years be extended. Motion carried 6 to 0. (Lambke absent)

MID-CONTINENT EXTENSION OF IRB TAX EXEMPTION – MID-CONTINENT INSTRUMENTS, INC. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-1905

On September 9, 1997, City Council approved issuance of Industrial Revenue Bonds in the amount of \$4.2 million to Mid-Continent Instruments, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to construct and equip a new aircraft instrument manufacturing headquarters facility located at Webb Road and 34th Street North.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 380

On December 31, 2002, the initial five-year period for tax exemption will expire. Mid-Continent Instrument, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed real property.

Mid-Continent Instruments designs, manufactures and distributes aircraft instruments. Mid-Continent Instruments' instrument program is one of the largest in the world. The Company supplies gyros, altimeters and autopilot components to customers that build and operate aircraft, from light single-engine planes to heavy, twin corporate jets to helicopter operations.

As a condition of the bond issue and tax exemption, Mid-Continent Instruments, Inc. committed to: construct a new aircraft instrument manufacturing headquarters facility, an investment of \$4,000,000; purchase equipment worth \$150,000; and, create 60 new jobs within five years of the bond issue. A measure of Mid-Continent's initial five-year project commitments and outcomes are as follows:

<u>1997 Commitment</u>	<u>December 31, 2002 Status</u>
• Construct new manufacturing headquarter	Completed 51,000 SF facility
• Purchase Manufacturing Equipment:	Purchased equipment worth over \$150,000
• Create 60 new jobs in five years:	Created 60 new jobs

Staff conducted a site-monitoring visit on July 16, 2002. Mid-Continents has met its projection of creating 60 new permanent jobs. Mid-Continent increased sales by more 19% since 1997, and diversified its customer base. There was no significant increase in the year of 2001. Mid-Continent's products are ultimately exported all over the United States and at least 10% Internationally.

In 2001, Mid-Continent paid approximately \$8,816 in real and personal property taxes. Real and personal property taxes exempted in 2003 are estimated to be \$128,663. Mid-Continent Instrument is current in payments of administrative service fees.

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Pisciotte moved that the tax exemption on Mid-Continent Instruments' IRB-financed real and personal property for a second five-year period, subject to ongoing efforts to meet job creation efforts, be extended. Motion carried 6 to 0. (Lambke absent)

-- carried

DIST. BOUNDARIES REPORT OF THE COMMISSION OF ELECTORS.

Jack Focht Commission of Electors Chair reviewed the Item.

Agenda Report No. 02-1906

On June 18, 2002, the City Council authorized the establishment of a Commission of Electors to study and recommend revisions to the Wichita City Council district boundaries and completed appointments to the Commission on July 9, 2002. Charter Ordinance No. 173 provides for the revision of the City Council district boundary lines every tenth-year based on the decennial census data and at other intervals if the district populations get out of balance. The City Council previously revised the district boundaries in 1992, when the 1990 Census data became available, and again in 1998 because of additional annexations and increased population to the City of Wichita. The 2000 census, along with subsequent annexation and growth, has again changed the population balance of the districts. The next City Council elections will be held in February (primary) and April (general), of 2003.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 381

City Staff and the County Election Commissioner have evaluated the current population figures for the City of Wichita. Based upon the 2000 census and the most current population data, the current total population of the City is set at 355,287. Each Council District needs to be within 5% of the average size; which, by dividing the population (355,287) equally among the six (6) Council districts, would require an average size for each City Council district of approximately 59,215 persons. The range permitted, five percent (5%) deviation for the redistricting, would go from a low of 56,254 to a high of 62,176 persons.

Of the present Council districts, District I (57,111) and District VI (56,412) are within the permitted range. District III (51,729) and District IV (55,190) fall below the low range estimate of 56,254 persons within the district. District II (64,770) and District V (70,075) exceed the high range estimate of 62,176 persons within the district. Under Charter Ordinance No. 173, the existence of the Council Districts with populations outside the permitted range requires the City Council to redistrict.

Beginning on July 29, 2002, and extending through September 18, 2002, the Commission of Electors deliberated over several different alternatives. On Friday, August 23, 2002, the Commission agreed to a Proposed Map as the recommended boundaries. The Proposed Map was presented by members of the Commission of Electors to the public through the following series District Advisory Board (DAB) meetings:

Wednesday, September 4th	DAB III & IV
Monday, September 9th	DAB V & VI
Monday, September 16th	DAB I & II

On September 18, 2002 the Proposed Map underwent a final review by the Commission of Electors and a final review of comments from the DAB meetings and from public comment.

District	Current	Plan A	Plan B
District I	57,111	57,224	59,556
District II	64,770	59,702	57,370
District III	51,729	60,395	60,395
District IV	55,190	59,369	59,369
District V	70,075	56,866	56,866
District VI	56,412	61,731	61,731

Both plan Map A and Map B meet the requirements set forth in Charter Ordinance 173: The boundary lines for the six (6) City Council districts shall be reassigned by the Commission of Electors and City Council to:

- Contain within each district a population which to the greatest extent feasible is equal to one-sixth (1/6) of the total population of the City, but which under no circumstances shall be greater or less than one-sixth (1/6) of the total population of the City by more than five percent (5%), based on the U.S. decennial census or upon the most current population data then available.
- Maintain a reasonably compact area in each district and avoid any noncontiguous zones or any unusually exaggerated extension of district lines.
- Follow election precinct lines as established by the Sedgwick County Election Commissioner and be described in terms of the wards and precincts contained in each district.
- Avoid use of number of registered voters by party or other partisan data.
- Maintain, as much as possible, the integrity of broadly cohesive areas of interest.

The Commission of Electors voted on September 18, 2002, to unanimously recommend to the City Council, Map A and Map B, for consideration regarding the revision of the six (6) City Council District boundaries.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 382

Any expenses necessary to implement the change in boundaries will be paid from the General Fund Appropriated Reserves.

It is the opinion of the Law Department that the recommended proposals of the Commission of Electors comply with the legal requirements for reestablishing district boundary lines. When a Commission of Electors has been established under the Charter Ordinance procedures to equalize district boundaries, the Commission is required to submit its recommendation to the City Council. The City Council may accept or reject, in whole or in part, the recommendation. The City Council must establish new district boundaries by ordinance prior to December 31, 2002.

Jack Focht Commission of Electors Chair, responding to Mr. Polson's concern regarding status of voting Commission members, said all members are registered voters.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Anita Edens-Barker Ms. Barker, resident in the Floyd Bailey Addition, asked that the proposal be set aside until residents have adequate time to review the proposals. Ms. Barker suggested Kellogg be used as the dividing line and that precincts remain unbroken.

Gary Lowe Mr. Lowe said his biggest concern is that Kellogg be left as a natural boundary. His area would prefer to remain in District V.

Rick Williams Mr. Williams, Floyd Bailey Addition, said Kellogg is a natural boundary. With this plan, the Maple Hill School District would be cut in half. If the split is made, 90 percent of the students from Northwest High School would be in District V, the remainder would be in District IV.

Ed Koon Mr. Koon said Precinct 405 would be moved to District I. The will of the residents of Precinct 405 is to remain in District IV.

Motion -- carried Martz moved that this Item be deferred until November. Motion carried 6 to 0. (Lambke absent)

FIRST DUI OFFENSE WICHITA INTERVENTION PROGRAM FACILITY CONTRACT.

Kay Gales Municipal Court reviewed the Item.

Agenda Report No. 02-1907

Kansas Law requires defendants convicted of a first Driving Under the Influence (DUI) offense to be incarcerated for forty-eight hours and attend alcohol education classes. In 1984, Municipal Court established the Wichita Intervention Program (WIP), which combined both aspects in a setting outside of jail. Participants stay in the designated facility from Friday evening until Sunday evening. A trained facilitator conducts alcohol education classes and security guards provide 24 hours supervision. The City has contracted with local hotels to provide lodging, classroom space, and meals for program participants. Since 1999, the City has contracted with the Williamsburg Inn. However, the current contract with the Williamsburg Inn ends October 31, 2002. In addition, the hotel is scheduled for demolition as a part of the East Kellogg Freeway project.

A Request for Proposal (RFP) was developed seeking facilities that could provide lodging for two nights (Friday and Saturday) for up to forty participants; breakfast, lunch, and dinner on Saturday and breakfast and lunch on Sunday; and space to accommodate up to forty participants for lectures and other presentations. The RFP was sent to 24 hotels and motels in the Wichita area and published in The Wichita Eagle. Three facilities responded. A selection committee reviewed and evaluated the proposals and Bledsoe Management, Inc. d/b/a/ Best Western Airport Red Coach Inn, 6815 West Kellogg, was selected. The hotel offered the lowest cost and met the RFP requirements.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 383

The Wichita Intervention Program is funded from the General Fund and all expenses are offset by revenues based on participant fees. The proposed contractor submitted a hotel fee for lodging/meals of \$102 per participant per weekend. This was considerably higher than the Williamsburg contracted amount of \$65 per participant per weekend, but it does reflect the lowest bid received. The 2003 Adopted budget includes \$96,770 for lodging and food, based on current contract prices. The proposed contract will increase expenditures to \$131,770, an increase of \$35,000.

To continue fully offsetting WIP costs with participant fees, staff recommends an increase in the program fee from \$200 to \$250. This fee is charged to defendants upon conviction of a first DUI offense and participation in the WIP. The increase would be the first since 1995. The proposed fee increase will generate an estimated \$60,800, enough to offset the higher lodging and meal costs and anticipated increases in the security contract (which will be presented to the City Council in the future). Without a fee increase, the selection of this vendor for lodging and food for the WIP will result in a General Fund subsidize for this program, something that has not occurred in the past. Increased expenditures and revenues for the WIP based on this proposed contract and fee increase, if approved, will be incorporated into the 2003 Revised budget.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Contract, including renewal options and WIP fee increase, with Bledsoe Management, Inc., d/b/a/ Best Western Airport Red Coach Inn, be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

There were no appointments made.

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Items 21A and 23A, except for Item 24a, be approved as consensus Items. Motion carried 6 to 0. (Lambke absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 7, 2002.

Bids were opened October 4, 2002, pursuant to advertisements published on:

HOUSING SERVICES (PUBLIC HOUSING): Replace chain link fencing, gates, install concrete mow strips at various sites. (097817)

Arambula Construction Co. - \$47,500.00 (Group 1 Total Net Bid)
\$55,400.00 (Group 2 Total Net Bid)

GENERAL GOVERNMENT: Converted Golf Carts or Compact Sedans. (081604)

Resnick Motors, Inc. - \$31,972 (Group 1 Total Net Base Bid)

POLICE DEPARTMENT (AIR SECTION): Mission and Option Equipment for MD 500E Helicopter. (602126)

MD Helicopters, Inc. - \$226,956.00 (Total Net Base Bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 384

FINANCE DEPARTMENT (IT/IS DIVISION): TSM Server Upgrade for IT. (792309)

Compaq Computers – \$27,623.00 (State of Kansas Contract WSCA (90-00151)

FIRE AND PUBLIC WORKS: Service and Maintenance of Breathing Air Compressors and Charging Stations. (130640)

Shelden Sporting Goods, Inc. - \$1,864.54 (Item 1 cost per each)
8.50 (Item 2 cost per each)
65.00 (Item 3 cost per each)
No charge (Item 4 cost per mile)
No charge (Item 5 cost per month)

Breathing Air Systems - - \$537.50 (Item 6 cost per each)
\$ 67.00 (Item 7 cost per hour)
\$100.00 (Item 8 cost per hour)
No Charge (Item 9 cost per mile)
\$130.71** (Item 10 cost per month)

**The vendor quoted an annual cost of \$1,568.50 to be prepaid to purchase required parts to have on hand to be used as needed. A separate purchase order will be required to replenish stock as used.

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Escort Service

Sandra J. Lacy Prime Time Entertainment 1137 East Waterman

Motion -- Knight moved that the license be approved subject to Staff review and approval. Motion carried
-- carried 6 to 0. (Lambke absent)

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
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Teresa A. Vasquez	El Patio Inc.*	424 East Central
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<u>Renewal</u>	<u>2002</u>	<u>(Consumption off Premises)</u>
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W. Thomas Skok	Westway 66 #27217	2356 South Seneca
W. Thomas Skok	North Rock 66 #27396	2190 North Rock Road

<u>New Operator</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
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Gracielo Lozano	Tacos Tapatio*	2005 South Seneca
Bobbie J. Major	Stetson	1021 West Harry

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 385

	<u>Special Event</u>	<u>Location</u>
Juanita Albert	Autumn in the air	221 North Market
Pat Audley	Air Capital Chili Cookoff	Lot 6 Public Parking

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 6 to 0. (Lambke absent)

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Construct pavement on Northwind and West 33rd North, from the east line of the plat, west, southeast and east back to the east line of the plat. Drainage to be installed where necessary to serve Ridge Port Commercial Park -north of 29th Street North, west of Ridge. (472-83556/765742/490853) Does not affect existing traffic. (District V) - \$332,000.00
- b) Remove pedestal mounted traffic signals at three intersections downtown and replace them with pole and mast arms - south of Central east of Main. (87 N-0275-01 472-83367/710215/231077) Traffic to be maintained during construction using flagpersons and barricades. (District I & VI) - \$268,710.52
- c) Remove pedestal mounted traffic signals at Emporia & Third Street, Topeka & Third Street, Emporia & English and Topeka & English and replace them with overhead signals and mastarms - south of Central east of Main. (472-83367 /710215/231077) Traffic to be maintained during construction using flagpersons and barricades. (District I & VI) - \$370,596.43
- d) 2002 Planeview Sanitary Sewer Reconstruction Phase 1 - south of Pawnee, east of Hillside. (468-83488/622237/642345) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$275,000.00
- e) Lateral 141, Main 4, Sanitary Sewer #23 to serve Unplatted Tract - west of Arkansas, north of 31st Street North. (468-83427/743922/480610) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$12,600.00
- f) Grove Court to serve Pine Bay Estates - east of Hydraulic, south of 63rd Street South. (472-83617/765753/490864) Does not affect existing traffic. (District III) - \$120,000.00
- g) Broadview Circle to serve the south line of 45th Street North, south to and including the cul-de-sac, and; sidewalk be constructed along both sides of Broadview Circle to serve Northeast Middle School - south of 45th Street North, west of Oliver. (472-83604/765745/490856) Does not affect existing traffic. (District I) - \$488,000.00
- h) Great Plains, 34th Street North and Ridgewood from the north line of 35th Street North adjacent to part of Lot 1 and adjacent to Lots 2 through 6, Block 2, to the north line of 36th Street North to serve Great Plains Business Park 3rd Addition - east of Oliver, north of K-96. (472-83550 /765738/490849) Does not affect existing traffic. (District I) - \$600,000.00
- i) Water distribution system to serve Fossil Rim Estates - east of Tyler, south of 29th Street North. (448-89697/735075/470745) Does not affect existing traffic. (District V) - \$240,000.00

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 386

j) Water distribution system to serve Highland Spring Second Addition - west of 135th Street West, south of Central. (448-89428/735076/470746) Does not affect existing traffic. (District V) - \$91,000.00

Motion -- Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Lambke absent)
-- carried

WATER SYSTEM

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE PART OF VALLEY ACRES ADDITION – SOUTH OF 13TH, WEST OF MERIDIAN. (District VI)

Agenda Report No. 02-1908

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide water service to an undeveloped residential tract located south of 13th, west of Meridian.

The Petition totals \$9,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- Knight moved that the Petitions be approved and the Resolution be adopted. Motion carried 6 to 0.
-- carried (Lambke absent)

RESOLUTION NO. 02-456

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89719, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District III Advisory Board Meeting, June 5, 2002; July 3, 2002; August 7, 2002

District II Advisory Board Meeting, July 15, 2002; August 5, 2002

Alternative Correctional Housing Advisory Board Meeting, July 25, 2002

District V Advisory Board Minutes, August 5, 2002; September 9, 2002

District VI Advisory Board Minutes, August 5, 2002

Airport Advisory Board, August 5, 2002

Employees Retirement System Meeting Minutes, August 28, 2002

Board of Electrical Appeals, September 10, 2002

Deferred Compensation Board of Trustees Quarterly Meeting, September 19, 2002 (canceled)

Public Library, September 20, 2002

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Lambke absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 02-1925.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted (maps attached):

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 387

1) Historic Midtown Citizens' Association Walking Tour, October 12-13, 2002
Street Closure: Saturday, 10:00 am to 5:00 pm & Sunday, 12:00 noon – 5:00 pm
--1300 Blocks of N. Emporia and Topeka

2) Delano Halloween Party, October 26, 2002
Street Closure: Saturday, 6:00 – 9:00 pm
--700 & 800 Blocks of West Douglas

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 6 to 0. (Lambke absent)

-- carried

LEGAL SERVICES

LEGAL SERVICES – CIVIL RIGHTS AND PERSONAL INJURY.

Agenda Report No. 02-1909

The city retained the law firm of McDonald, Tinker, Skaer, Quinn and Herrington, P.A. to provide legal services for the city in civil rights and personal injury cases involving police litigation.

The current contract provided for compensation not to exceed \$25,500. It has become necessary to spend additional sums to continue the representation of the city in four pending cases. This will be the seventh amendment to the contract.

Funding for this contract is from the Tort Claims Fund.

The Law Department recommends acceptance of the contract. The additional sums are necessary for the continued representation in existing cases and is reasonable in amount

Motion --

Knight moved that the Agreement with McDonald, Tinker, Skaer, Quinn and Herrington, P.A. to authorize payment of up to \$10,000 to provide additional legal services, together with any necessary fund transfers be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

ENCROACHMENT

EASEMENT ENCROACHMENT – 1918 SADDLE CREEK. (District II)

Agenda Report No. 02-1910

The Agreement allows Robert M. And Laurie K. Boorigie to occupy and construct for 1918 Saddle Creek, improvements on, over, and across the aforesaid public easement described as a 30 ft. easement centered along a line beginning at point 130.83 feet east of the SW corner of Lot 10, Block 3, Wilson Farms Addition, thence northerly to a point 220.23 feet east of the NW corner of said Lot 10, as platted in Wilson Farms Addition. Said lot being addressed as 1918 Saddle Creek, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be an attached deck with five separate points of encroachment. Said points being four columns and one corner wall, with all points being less than one (1) foot into the easement, within Lot 10, Block 3, Wilson Farms Addition.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 388

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Lambke absent)

AUTUMN IN THE AIR AUTUMN IN THE AIR MARKETING.

Agenda Report No. 02-1911

The Autumn in the Air festival is the City's first aviation festival event. This was highlighted in the Strategic Master Plan for Tourism as a top priority to give the community the opportunity to celebrate Wichita's aviation heritage. The 2002 version of the festival will be a sampling of what is to come to celebrate the 100-year anniversary of flight next year. This year's event is a cooperative effort between the City of Wichita, Greater Wichita Convention & Visitors Bureau and Wichita Festivals, Inc. All partners have put forth great effort to make this year's activities successful.

The Greater Wichita Convention & Visitors Bureau is the marketing arm for communicating and promoting events and activities associated with the Autumn in the Air Festival. Marketing efforts by the Bureau are based upon a marketing plan that targets participation by the citizens of Wichita and citizens in the Wichita MSA. The plan outlined a total marketing budget of \$35,000 to be funded by the City and the WCVB. It is proposed that the City of Wichita commit \$25,000 to the Autumn in the Air marketing program. Funds would be paid directly to the Convention and Visitors Bureau to assist with costs associated with vendors involved in event promotion. As the marketing arm for events and things to do in Wichita, the Greater Wichita Convention & Visitors Bureau has been critical in the success of communicating the events to the community. A marketing plan has been implemented, targeting the citizens of Wichita and the Wichita MSA. The City's portion of the marketing fund is \$25,000. This amount is to be paid directly to the Wichita CVB so they can pay their vendors for the cooperative marketing efforts.

Funds are currently budgeted in the City's marketing fund.

The agreement with the Convention and Visitors Bureau for services will be approved as to form by the Department of Law.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Lambke absent)

DEFERRAL LIENS RELEASE OF HARDSHIP DEFERRAL LIENS.

Agenda Report No. 02-1912

During the past year, various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments and water plant equity fees. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

Hardship Deferral Program guidelines state that if property ownership changes, the assessment will be paid or place on the tax roll. At this time, fifteen homeowners who previously qualified and were approved for hardship deferrals, are being taken off of the hardship program. The reasons are as follows:

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 389

- Nine homeowners no longer qualify based on income eligibility
- Three homeowners have paid for their assessments
- Two homeowners have requested that their assessments be placed on the tax roles
- One property has changed ownership

For those properties no longer eligible for the Hardship Deferral Program, the specials will be added to the tax roll for 15 years beginning with the 2002 tax year.

The City of Wichita will collect yearly payments for the special assessments added to the tax rolls.

Motion --
-- carried

Knight moved that the Release of Hardship Deferral Lien Agreements be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

VOICE SYSTEM

INTERACTIVE VOICE RESPONSE SYSTEM REPLACEMENT.

Agenda Report No. 02-1913

The Office of Central Inspection (OCI) currently has an IVR system that allows contractors to request inspections, purchase permits, and check the status of permits and inspections over the phone. The system uses electronic menus and is available 24 hours-per-day, 7 days-per-week. The system receives approximately 775 customer calls every business day. The current IVR company (Vodavi) was recently acquired by another company, that does not want to be in the IVR business. Support ceased in May 2002. To maintain current service levels without increasing staff, the system needs to be replaced. An RFP was initiated and six companies submitted formal proposals for review. After reviewing the submitted proposals, the recommended vendor is Frank Solutions, Inc. (FSI). FSI provides an IVR application called TelePathä. Also, the Water & Sewer and Housing Services Departments will be implementing this system to enhance their customer service.

Many organizations and citizens utilize this system on a daily basis to perform functions vital to their business. Without an IVR System, customer service would be significantly hindered to those businesses; information availability would be reduced from 24 x 7 to 8-5 Monday through Friday. It is recommended that this system be purchased to continue operations of OCI and to continue to improve the customer service capabilities of Water & Sewer and Housing Services.

Purchase and installation of the replacement IVR system is \$206,977. OCI funds were approved last December, and Water & Sewer funds were approved in the 2002 Revised budget. For Housing to participate in IVR implementation, a budget adjustment of \$60,000 is required. Funds are available in the Public Housing Capital Grant.

Motion -- carried

Knight moved that the Contract and budget transfer be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

WATER UTILITY

TRANSFER OF FUNDS – WATER UTILITY.

Agenda Report No. 02-1914

A frequent performance complaint of water and sewer customers has been the time span from the submission of an application to service installation. On July 9 of this year, City Council affirmed Staff's recommendation to adopt procedures to reduce the time involved to install new water services. Time has decreased from an average of fifteen (15) working days to six (6) working days. Part of the procedure change is having a private contractor install a larger portion of the services, particularly during the peak construction season. Also this year, tap fees were increased to insure that the fee covered the entire cost of the tap process.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 390

This has been a record year for new water service installations. Revenues received for service installations have also set a record. Nearly \$1.8 million in plant equity fees have been collected through September, over \$400,000 more than the same period in 2001. There are approximately 350 installation orders waiting for release, and current trends indicate that another 200 requests for new service will be received prior to year-end.

Staff analyzed alternatives that would allow service installation and new construction to continue without increasing budget authority. If City crews installed all new services, maintenance activities would be significantly decreased, and service installation times would be increased. Finally, Staff overtime would increase significantly, creating a different stress on the budget.

The 2002 revised budget includes \$350,000 for installation of water services by a contractor. To-date \$364,896 has been spent, with \$87,000 expected for September and an additional \$248,000 estimated through the end of the year. The tap fee paid by a customer is designed to cover the cost of installation, so even though the expense will exceed the estimate, so will revenue. A reallocation of \$350,000 will provide sufficient budget authority to meet operational needs through year-end. The transfer would come from contingency funds. The Finance Department concurs with the Water & Sewer Department assessment.

City Council approval is required for budget transfers of \$10,000 or more.

Motion -- carried

Knight moved that the transfer of funds be approved. Motion carried 6 to 0. (Lambke absent)

CAMBRIDGE CHAUF. CERTIFICATE OF CONVENIENCE AND NECESSITY – CAMBRIDGE CHAUFFEURS, L.L.C.

Agenda Report No. 02-1915

On September 25th, 2002, Wichita Transit staff received an application from Mr. Michael Carney, Mr. Jake File, and Mr. Peter White d/b/a Cambridge Chauffeurs, LLC, for a Certificate of Convenience and Necessity to operate a chartered limousine service in Wichita, Kansas. The application included support documentation, an insurance policy meeting code requirements, payment of fee, listing of employees names for police records check purposes and vehicle inspection report.

If approved for a license, Cambridge Chauffeurs, LLC will become the seventh licensed charter limousine service in the City of Wichita. This will be an added resource to those persons needing transportation services for special occasions.

There will be no financial impact on the City of Wichita.

The Department of Law is reviewing the Certificate of Convenience and Necessity and the policy of insurance submitted by Mr. Jake File d/b/a Cambridge Chauffeurs, LLC. Approval is pending.

Motion --

Knight moved that the Certificate of Convenience and Necessity for Michael Carney, Jake File and Peter White to operate Cambridge Chauffeurs, LLC with up to three vehicles in Wichita, Kansas, be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

(Addendum #21A) FRIENDS UNIV. PREPAYMENT AND REDEMPTION OF EDUCATIONAL FACILITIES BONDS, SERIES V, 1998 - FRIENDS UNIVERSITY PROJECT.

PREPAYMENT AND REDEMPTION OF EDUCATIONAL FACILITIES BONDS, SERIES V, 1998 - FRIENDS UNIVERSITY PROJECT. (District IV)

Agenda Report No. 02-1925

In March 1998, the City of Wichita issued its Series V, 1998 Educational Facilities Refunding Revenue Bonds in the principle amount of \$4,560,000 for the purpose of refinancing outstanding bonds that had been previously issued to finance improvements to the Friends University campus. Friends University now desires to prepay and retire the Series V, 1998 Bonds in order to release the University from the

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 391

lien of the bonds on its revenues and property. To facilitate this action, the City Council must take certain legal steps authorizing the transaction.

The Series 1998 Refunding Bonds were issued to resolve a disparity between prior City of Wichita bonds and bonds issued for Friends University by the City of Olathe on behalf of the Kansas Independent College Association. Accordingly, the Bonds are secured by a Loan Agreement and Mortgage. The University plans to use its cash to defease the Bonds until they can be called for redemption in 2003. Defeasance will allow the termination of the Loan and release of the mortgage lien and trust indenture on University property and revenues.

To effectuate the legal defeasance of the Bonds, the City as issuer must authorize the establishment of an irrevocable escrow to hold cash and securities pledged to the retirement of the Bonds and authorize the termination and release of the loan and indenture.

The University is current in its payments of administrative service fees. The defeasance of the Series V, 1998 Bonds will have no adverse financial impact on the City.

The documents have been prepared by Triplett, Woolf & Garretson, LLC, special counsel to Friends University. Prior to execution, the documents will be approved as to form by the City Attorney.

Motion --

Knight moved that the Resolution approving early redemption of the Series V, 1998 Educational Facilities Revenue Bonds and authorizing execution of an escrow trust agreement, a termination and release of loan and satisfaction discharge and release of indenture, be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

RESOLUTION NO. 02-458

A Resolution approving the early redemption of certain of the City's Educational Facilities Refunding Revenue Bonds, Series V, 1998 (Friends University Project); prescribing the form and authorizing the execution of an Escrow Trust Agreement by and between the City, Intrust Bank, N.A. and Friends University; and authorizing the execution and delivery of a (1) termination and release of loan, and (2) satisfaction, discharge and release of indenture, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

EPA

EPA ENVIRONMENTAL EDUCATION GRANTS PROGRAM.

Agenda Report No. 02-1916

The environmental education facility under construction in Herman Hill Park as part of the Gilbert and Mosley project will provide educational opportunities to the community regarding surface and groundwater quality, hydrogeology and the native aquatic environment. It is expected that the facility will be completed in the latter part of the 2002 calendar year. The mission of the education center is to interpret these topics through the use of hands-on exhibits, videos, and interactive teaching materials. In order to supplement and enhance funding for the educational aspects of this facility staff has made application for a grant through the United States Protection Agency.

Specifically this grant is for the development of "Discovery Boxes." These boxes are self-contained education units that can be reserved by schools, scout groups, or other interested parties. The "Discovery Boxes" will contain teaching materials, artifacts, and activities that tell the story of the Gilbert-Mosley project, pollution and its health risks, groundwater, geology and aquatic wildlife.

Based on the usage of "Discovery Boxes" at other community facilities, they are a viable way of reaching groups unable to visit the education facility itself. Many groups in the community are already familiar with how to use this resource due to the availability of "Discovery Boxes" at other museums. Our plan is to set up the boxes and their checkout procedures similar to that of other local museums to maintain continuity within the education community. We have been awarded the grant by the EPA.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 392

The total requested grant amount is \$5,000. The 25% grant match requirement will be met by in-kind staff time contributions.

Motion --
-- carried

Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CIVIL ENGINEERS

AMERICAN SOCIETY OF CIVIL ENGINEERS TRAINING COURSE.

Agenda Report No. 02-1917

The American Society of Civil Engineers (ASCE) provides continuing educational opportunities for engineers each year throughout the country. Unfortunately, very few of these courses are taught in Kansas or our surrounding states, making the travel and per diem costs quite expensive. If this expenditure were approved, the Public Works Department, Storm Water Management Division, would host a two-day ASCE continuing education class at Century II entitled "Low Impact Development Applications for Water Resource Management". This class will be of interest to engineers, planners, and the like from our area.

In 2001, the Storm Water Division hosted a one-day ASCE course entitled "Urban Storm Water B.M.P.'s. Fifty-eight people from Kansas and the Kansas City Metropolitan Area attended that class, which cost the City \$11,979.07. Revenues received from registration fees (\$300 per person) totaled \$16,801.86. Thus, the City made \$4,822.79. We estimate that we saved each attendee about \$900 in travel and per diem expenses by offering the class in Wichita as opposed to Las Vegas or Chicago.

If 30 people attend this training, the City's cost to ASCE would be \$18,100. We estimate that total expenses, including lunches and refreshments, to be about \$20,200. If the registration fee were set at \$700 per attendee, revenues from the 30 people would be \$21,000. Thus, the City will not lose money by hosting this conference and should make some as well as we feel may more than 30 will attend.

Motion --
-- carried

Knight moved that the expenditure with ASCE from Storm Water Utility funds in the amount of \$15,850 for up to and including 20 attendees, plus \$225 for each additional attendee, be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

(Addendum No. 23A) CONDEM. AWARD

PAYMENT OF CONDEMNATION AWARD – 8028 EAST KELLOGG AND 8100 EAST KELLOGG. (District II)

Agenda Report No. 02-1926

The City has identified the need to acquire the properties at 8028 East Kellogg and 8100 East Kellogg in connection with the East Kellogg Improvement Project. Earlier this year, the City initiated eminent domain proceedings to acquire these properties. On September 20, 2002, the court appointed appraisers filed their award. They determined that the compensation to be paid for the acquisitions to be \$2,092,000. The court awarded the three appraisers fees in the amount of \$10,500. Court costs are \$110.

In order for the City to acquire this right-of-way, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before October 21, 2002.

The cost of this acquisition will be paid from the East Kellogg Improvement Project.

The City has until October 22, 2002 to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion --
-- carried

Knight moved that the payment to the Clerk of the District Court in the amount of \$2,102,610. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 393

(Item No. 24a)

PROPERTY ACQ.

ACQUISITION OF A PORTION OF 2920 NORTH WEST STREET: 25TH STREET BRIDGE PROJECT. (District V)

Agenda Report No. 02-1918

The 25th Street Bridge Project will require the acquisition of part of 2920 North West Street. The total tract consists of approximately 32.7 acres of land and a farmstead. The actual taking totals 5.44 acres and does not directly impact the improvements. The property is currently utilized for agricultural purposes.

The owner has agreed to sell the tract for \$71,500. This includes money for the land plus proximity damages to the improvements. The property is presently leased for crop production. It will remain so used until needed for the project.

Funds have been budgeted in the Capital Improvement Program for this project. The funding source will be general obligation bonds. A budget of \$77,000 is requested. This includes \$71,500 for the acquisition and \$6,500 for closing costs, survey and title insurance.

Council Member Martz Council Member Martz said he still is opposed to the 25th Street Bridge Project.

Motion -- Martz moved that this Item be disapproved.

Subst. Motion -- Knight moved that the Item be deferred to the next Council meeting. Substitute motion carried 6 to 0.
-- carried (Lambke absent)

PROPERTY ACQ.

ACQUISITION OF 8210 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 02-1919

In December 2001, the total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. The property at 8210 East Kellogg is one of the required tracts. The site contains approximately 19,590 square feet and is improved with a 2,145 square foot fast food restaurant. The improvements were constructed in 1984. The proposed improvements to Kellogg will encroach into the building itself.

The property was appraised at \$450,000 for the building, land and leasehold interest. The owner and the tenant have agreed to accept \$500,000. An additional \$200,000 will be paid for furniture, fixtures and equipment and to settle all moving and reestablishments claims to which the tenant will be entitled. The tenant will vacate within 45 days of closing. The property will then be demolished in preparation for the highway project.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$717,000 is requested. This includes \$500,000 for the facility acquisition, \$200,000 for furniture, fixtures, equipment, moving costs, costs of reestablishment and site search, \$15,000 for demolition, and \$2,000 for closing costs, surveys and title insurance.

Motion -- Knight moved that the budget and the Contract be approved; and the necessary signatures be
-- carried authorized. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 394

ORDINANCES

THIRD READING CHARTER ORDINANCE: (FIRST READ SEPTEMBER 17, 2002)

CHARTER ORDINANCE NO. 194

a) A Charter Ordinance of the City of Wichita, Kansas amending Charter Ordinance No. 193 related to the Police and Fire Retirement System of the City of Wichita, and repealing the originals of said Charter Ordinance, read for the third time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

SECOND READING ORDINANCES: (FIRST READ OCTOBER 1, 2002)

a) Issuance of Industrial Revenue Bonds – Big Dog Motorcycles, L.L.C. (District I)

ORDINANCE NO. 45-395

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$800,000 Aggregate Principal Amount of Taxable Industrial Revenue Bonds, Series III, 2002 (Big Dog Motorcycles Project) for the purpose of providing funds to acquire, construct and equip a commercial warehouse facility to be located adjacent to an existing commercial facility in the City of Wichita, Kansas; prescribing the form and authorizing execution of a First Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a First Supplemental Lease Agreement by and between the City and Waterview Realty, L.L.C.; approving the form of a Guaranty Agreement; approving the First Supplemental Sublease between Waterview Realty, L.L.C. and Big Dog Motorcycles, L.L.C.; authorizing the execution of a Bond Placement Agreement by and between the City and Waterview Realty, L.L.C., as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

b) Z-3304 – northeast corner of 135th Street West and Central. (District V)

ORDINANCE NO. 45-396

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. Z-3304

c) ZON 2002-39 – south of Central, west side of Hoover. (District IV)

ORDINANCE NO. 45-397

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. ZON2002-39

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 395

- d) A02-17 – northeast corner of 13th Street North and Webb Road. (District II)

ORDINANCE NO. 45-398

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. A02-17

- e) A02-18 – east of 127th Street East, south of Mt. Vernon. (District II)

ORDINANCE NO. 45-399

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. A02-18

- f) A02-19 – east of 127th Street East, north of 21st Street North. (District II)

ORDINANCE NO. 45-400

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. A02-19

PLANNING AGENDA

Motion --
-- carried

Knight moved that the Planning Agenda, except Item 29, be approved as consent Items. Motion carried 6 to 0. (Lambke absent)

DED2002-26

DED2002-26 – DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY SOUTH OF 13TH STREET, WEST OF MERIDIAN. (District VI)

Agenda Report No. 02-1920

MAPC Recommendation: Accept the Dedication. (10-0)

This Dedication is a requirement of Lot Split No. SUB 2002-86, and is being dedicated for 10 feet of street right-of-way along 11th Street and 30 feet of street right-of-way for a new street.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations

The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the dedication be approved. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 396

DED2002-27

DED2002-27 – DEDICATION OF UTILITY EASEMENT FOR PROPERTY SOUTH OF 13TH STREET, WEST OF MERIDIAN. (District VI)

Agenda Report No. 02-1921

MAPC Recommendation: Accept the Dedication. (10-0)

This Dedication is a requirement of Lot Split No. SUB 2002-86, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations

The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the dedication be approved. Motion carried 6 to 0. (Lambke absent)

VAC2002-50

VAC2002-50 – VACATE PLATTED UTILITY EASEMENT – NORTHWEST OF THE K-96/ROCK ROAD INTERSECTION. (District I)

Agenda Report No. 02-1922

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimous).

The applicant is building a restaurant. The applicant is applying for vacation of the platted 20-foot utility easement that runs adjacent and parallel to a platted 50-foot pipeline easement. As a condition of the vacation, the applicant has recorded a dedication (by separate instrument, recorded 06-10-30, Film 2459, Page 145) of a 20-foot utility easement within the 50-foot pipeline easement to cover the existing sanitary sewer line and manholes within the 50-foot pipeline easement. The applicant has supplied a letter from the Farmland Industries Pipeline and Transportation Company, stating their acceptance of the location of the sanitary sewer and manholes within their easement. The applicant has completed a lot split, a condition of the vacation, and recorded it with the County; SUB2000-00007, recorded 09-10-02, Film 2526, Page 164.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CON2002-00038

CON2002-00038 – CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY ON PROPERTY ZONED LIMITED COMMERCIAL – SOUTH OF KELLOGG, EAST OF WOODLAWN – 6603 EAST KELLOGG. (District II)

This Item was pulled from the Agenda.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

OCTOBER 8, 2002

PAGE 397

Executive Session

Motion -- Knight moved that the City Council recess and move to Executive Session at 10:30 a.m. for consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice; confidential data relating to the financial affairs or trade secrets of a business; and that the Council return from executive session no earlier than 10:45 a.m. Motion carried 6 to 0. (Lambke absent)

-- carried

RECESS The City Council recessed at 10:18 a.m. and returned at 11:03 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:03 a.m.

Pat Burnett CMC
City Clerk